

REMARKS

Introduction:

The Examiner apparently did not receive Applicant's Preliminary Amendment, faxed to the PTO on August 7, 2003, which among other things added new claims 43-51. A copy of the Preliminary Amendment and the Auto-reply received from the PTO is attached to this Response as Exhibit A. Entry and consideration of the Preliminary Amendment is respectfully requested.

Remarks:

The Examiner has rejected claims 1-11 and 13-42 under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of U.S. Patent No. 6,389,990. Applicant respectfully disagrees.

The Examiner has not presented a *prima facie* case of obviousness of the claims, including an identification of the differences between the present claims and the claims of the '990 Patent. Nor does the Examiner indicate the motivation or suggestion that the Examiner finds in the prior art that would render these differences obvious. However, Applicant provides the following summary of reasons that the present claims are not obvious over the claims of the '990 Patent. If the Examiner maintains this rejection, a clarification of the rejection is respectfully requested.

None of the claims of the '990 Patent recites a pallet deck having two members between which is at least one reinforcement member, as recited by independent claims 1 and 10 of the present application. None of the claims of the '990 Patent recites a pallet deck having box-beam sections between an upper surface and a lower surface with at least one reinforcement member disposed in the pallet deck, as recited by claim 14. None of the claims of the '990 Patent recites a pallet deck having rib members extending between upper and lower surfaces and a reinforcement member between the upper and lower surfaces as recited by claim 26. None of the claims of the '990 Patent recites two members having ribs and a reinforcement member therebetween, as recited by claim 39. None of the claims of the '990 Patent recites upper and lower surfaces with ribs and a reinforcement member therebetween, as recited by claim 40. None of the claims of the '990 Patent recites two pallet members between which are a plurality of cross-rib

members and at least one elongate reinforcement member, as recited by claim 41. Therefore, claims 1-42 are not obvious over any of the claims in the '990 Patent.

CONCLUSION

No fees are believed to be due. If any fees or extensions are due, please charge such fees to Deposit Account No. 50-1984.

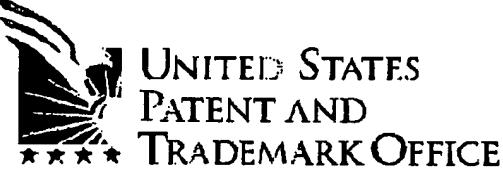
Respectfully submitted,

By: 
Konstantine J. Diamond, Reg. No. 39,657
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Dated: January 20, 2004

Exhibit A

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 3232698506

Fax Information

Date Received:

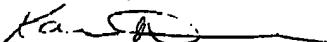
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Total Pages:

22 (including cover page)

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Aug-07-03 01:32pm From REHRIG PACIFIC CO LA		323 269 8506	T=020 P=001/022 F=838
<p>Konstantine J. Diamond 4010 E. 26th St Los Angeles, CA 90023 Phone: 323-262-5145; Fax: 323-269-8506</p>			
<p>To: Examiner Joyce Chen Group: 3637 Fax No.: 703-872-9326 Subject: Serial No. 10/040,099</p>		RECEIVED REHRIG PACIFIC COMPANY AUG - 7 2003	
<p>Total pages including cover sheet: 22 pages</p>			
<p>Examiner Chen:</p>			
<p>Attached please find the following document(s):</p>			
<p>(1) Preliminary Amendment (21 pages) (text pages 1-17 and drawing revision pages 18-21)</p>			
<p>Thank you. Please call if you have any questions.  Konstantine Diamond</p>			
<p>Received from <3232698506> at 8/7/03 4:51:14 PM [Eastern Daylight Time]</p>			

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To: **Examiner Jose' Chen**

Group: 3637

Fax No.: 703-872-9326

Subject: Serial No. 10/040,099

Total pages including cover sheet: 22 pages

Examiner Chen:

Attached please find the following document(s):

- (1) Preliminary Amendment (21 pages) (text pages 1-17 and drawing revision pages 18-21)

Thank you. Please call if you have any questions.


Konstantine Diamond

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William P. Apps, et. al. Group Art Unit: 3637
Serial No.: 10/040,099 Examiner: José V. Chen
Filed: October 19, 2001
For: REINFORCED PALLET
Docket No: RPC 0527 PUS

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Preliminary Amendment is a follow-up to the Election Requirement mailed June 26, 2003, and in supplement to the fully responsive Election filed by Applicant July 28, 2003 in which Applicant elected the species of Figures 12-22. As a result of that Election, claim 12 is withdrawn.

Amendments to the Specification begin on page 2.

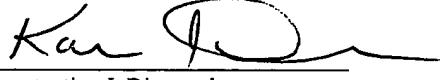
Amendments to the Claims are reflected in the Listing of Claims beginning on page 6.

Amendments to the Drawings begin on page 16. Four (4) annotated sheets showing the changes are attached.

Remarks begin on page 17.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Preliminary Amendment is being sent via facsimile to 703-872-9326 on August 7, 2003.


Konstantine J. Diamond

Amendments to the Specification

Please replace the paragraph beginning on page 6, line 11 with the following amended paragraph:

FIGURE 17 is a cross-sectional view taken along line 17-17 of Figure 2
13.

Please replace the paragraph beginning on page 6, line 12 with the following amended paragraph:

FIGURE 18 is a cross-sectional view taken along line 18-18 of Figure 2
13.

Please replace the paragraph beginning on page 7, line 16 with the following amended paragraph:

FIGURE 33 is an exploded perspective view of Figure + 23, illustrating
the reinforcement therein.

Please replace the paragraph beginning on page 8, line 13 with the following amended paragraph:

FIGURE 44 is an exploded perspective view of Figure + 34, illustrating
the reinforcement therein.

Please replace the paragraph beginning on page 11, line 1, with the following amended paragraph:

Bottom deck 14 also preferably, but not necessarily, includes a plurality of peripheral elongate reinforcement members 52, 54, 56, 58 extending along the peripheral rails of bottom deck 14 for enhancing the strength, torsion, bending, and stiffness properties of pallet 10. Reinforcement members 30-52-38 of bottom deck 14 are particularly directed to providing reinforcement in the rack load and line load scenarios to which pallet 10 may be subjected. They are shown disposed in a generally planar

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orientation between mid-bottom member 34 and bottom member 36, such that the insert is sandwiched between adjacent mating surfaces 44 and 46, respectively. For example, as illustrated in Figure 11, reinforcement members 52-58 are positioned within and extend along peripheral rails 80, 82, 84, 86.

Please replace the paragraph beginning on page 11, line 17, with the following amended paragraph:

AN

As illustrated in Figures 6, 9-9a, 10-10a, and 11, pallet 10 further includes a second cross-reinforcement 60 which is disposed within top deck 12, between first member 30 and second member 32. More particularly, second cross-reinforcement 60 is disposed along the transverse axis of top deck 12, which is in a plane parallel to but lies perpendicular to bottom deck cross-reinforcement 50. By including second cross-reinforcement member 60 within top deck 12 instead of bottom deck 14, many issues are addressed. First, in conjunction with bottom deck 14, this design provides pallet 10 with the desired rack loading strength. Second, both cross reinforcement members 50 and 60 are shown as continuous beams, which provides pallet 10 with the desired rack loading strength, while the line strength is enhanced by the peripheral reinforcement members.

Moreover, by providing each cross-reinforcement member 50 and 60 in separate decks 12, 14, respectively, the desired package height of pallet 10 is able to be maintained, as opposed to a pallet which may have cross-reinforcement members on different vertical planes within a single deck. Accordingly, the design according to pallet 10 provides improved strength and packaging characteristics.

Please replace the paragraph beginning on page 14, line 17, with the following amended paragraph:

AL

A fourth embodiment according to the present invention is shown in Figures 33-34-44 as pallet 310. Components similar to those of the first embodiment have a corresponding reference number with a "3" prefix. In this embodiment, note that bottom deck 314 includes an integrally formed, unitary reinforcement member 368, including cross-member portions 350, 351, as well as peripheral reinforcements 352, 354, 356, 358,

which are generally continuous, and also generally has an inverted U-shaped cross-section. As with the third embodiment, the overall continuous nature of reinforcement member 368 within bottom deck 314 provides pallet 310 with the desired strength, as well as the desired line load and rack loading strength, and torsional strength. However, member 368 may be relatively more costly to manufacture.

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Please replace the paragraph beginning on page 14, line 29, with the following amended paragraph:

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A pallet assembly according to the present invention is illustrated in Figs. 46 ~~45~~-47 as pallet assembly 410. Pallet assembly 410 includes the following: a top deck 412 having a top portion 430 and a mid-top portion 432; a bottom deck 414 having a mid-bottom portion 434 and a bottom portion 436; and a plurality of column members 428.

Complete Listing of Claims

1. (Original) A reinforced pallet assembly comprising:
 - a first pallet deck having a first outer member and a first intermediate member, each having a one of a first pair of mating cross-rib surfaces which are mounted together to define a first plurality of box-beam sections within the first pallet deck;
 - a second pallet deck having a second outer member and a second intermediate member, each having a one of a second pair of mating cross-rib surfaces which are mounted together to define a second plurality of box-beam sections within the second pallet deck;
 - at least one reinforcement member disposed between the second outer member and the second intermediate member for providing stiffness thereto; and
 - a plurality of columns extending between the first intermediate member and the second intermediate member.
2. (Original) The reinforced pallet assembly of claim 1, wherein the first and second pallet decks and columns comprise a plastic material and wherein the at least one reinforcement member comprises a metal material.
3. (Original) The reinforced pallet assembly of claim 1 wherein the columns include a first column portion projecting from the first intermediate portion, and a second column portion projecting from the second intermediate portion and attached to the first column portion.
4. (Original) The reinforced pallet assembly of claim 1 wherein the second pallet deck is defined by a unitary construction comprising a plurality of peripheral rail members and at least one cross-rail extending between a pair of peripheral rail members.

5. (Original) The reinforced pallet assembly of claim 4 wherein the at least one reinforcement member is disposed within the at least one cross-rail of the second pallet deck.

6. (Original) The reinforced pallet assembly of claim 4 wherein the at least one reinforcement member is disposed within the peripheral rail members of the second pallet deck.

7. (Original) The reinforced pallet assembly of claim 1 wherein the first pallet deck further comprises a second reinforcement member disposed between the first outer member and the first intermediate member which is oriented generally perpendicular to the at least one reinforcement member.
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8. (Original) The reinforced pallet assembly of claim 1, wherein the first pallet deck includes a second reinforcement member disposed therein extending substantially along a central axis thereof.

9. (Original) The reinforced pallet assembly of claim 1, wherein the second pallet deck includes a channel within which the at least one reinforcement member is disposed.

10. (Original) A pallet assembly, comprising:

a first pallet member having a first pallet surface including a first plurality of cross-rib members;

a second pallet member disposed adjacent the first pallet member and having a second pallet surface including a second plurality of cross-rib members corresponding to the first plurality of cross-rib members, the first and second plurality of cross-rib members being secured together to form a first pallet deck, the second pallet member further including a mating surface opposite the second pallet surface;

a first reinforcement member disposed between the first and second pallet members along a first axis thereof;

a third pallet member disposed adjacent the second pallet member and having a third pallet surface including a third plurality of cross-rib members, the third pallet member having an other mating surface opposite the third pallet surface;

a fourth pallet member disposed adjacent the third pallet member and having a fourth pallet surface including a fourth plurality of cross-rib members corresponding to the third plurality of cross-rib members, the third and fourth plurality of cross-rib members being secured together to form a second pallet deck;

a second reinforcement member disposed between the third and fourth pallet members along a second axis thereof oriented substantially perpendicular to the first reinforcement member; and

a plurality of column portions extending between the second and third pallet members.

11. (Original) The pallet assembly of claim 10 further comprising other reinforcement members extending proximate the periphery of the second pallet member.

12. (Withdrawn) The pallet assembly of claim 11 wherein the first reinforcement member and other reinforcement members are integrally formed to define a unitary construction.

13. (Currently Amended) The pallet assembly of claim 10 wherein the mating surface of the second pallet member and the other mating surface of the third pallet portion member are secured together to define the plurality of column portions.

14. (Original) A reinforced pallet comprising:

a top deck having a top deck upper surface, a top deck lower surface, and a plurality of upper box beam sections disposed between the top deck upper and lower surfaces;

a bottom deck having a bottom deck upper surface, a bottom deck lower surface, and a plurality of lower box beam sections disposed between the bottom deck upper and lower surfaces, the bottom deck further including at least one elongate reinforcement member disposed therein; and

a plurality of columns extending between and attached to the top deck and bottom deck.

15. (Original) The reinforced pallet of claim 14 wherein the top deck includes first column portions projecting downwardly therefrom, and the bottom deck includes corresponding second column portions projecting upwardly therefrom corresponding to and securely mating with the first column portions to define the plurality of columns.

16. (Original) The reinforced pallet of claim 14 wherein the bottom deck includes a peripheral deck rail and at least one cross-rail extending therebetween.

17. (Original) The reinforced pallet of claim 16 wherein the at least one reinforcement member is disposed within the at least one cross-rail of the bottom deck.

18. (Original) The reinforced pallet of claim 16 wherein the at least one reinforcement member is disposed within the peripheral rail of the bottom deck.

19. (Original) The reinforced pallet of claim 14 wherein the top deck includes at least one other elongate reinforcement member disposed therein and oriented along an axis generally perpendicular to the at least one elongate reinforcement member.

20. (Original) The reinforced pallet of claim 14, wherein the top deck includes an other reinforcement member disposed therein and extending substantially across a central axis thereof.

21. (Original) The reinforced pallet of claim 14 wherein the top deck includes a top member and a mid-top member each having mating corresponding top deck rib members which define the plurality of upper box beam sections, and further including a second reinforcement member disposed between the top member and mid-top member and oriented generally perpendicular to the at least one reinforcement member.

22. (Original) The reinforced pallet of claim 14 wherein the bottom deck includes a bottom member and a mid-bottom member each having mating corresponding bottom deck rib members which define the plurality of lower box beam sections, wherein the at least one reinforcement member is disposed between the bottom member and mid-bottom member.

23. (Original) The reinforced pallet of claim 14, wherein the bottom deck includes a channel within which the at least one reinforcement member is disposed.

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24. (Original) The reinforced pallet of claim 14, wherein the at least one reinforcement member has an I-beam cross-section.

25. (Original) The reinforced pallet of claim 14, wherein the upper box beam sections and the lower box beam sections are defined by a plurality of rib members within each of the top and bottom decks.

26. (Currently Amended) A reinforced pallet comprising:

a top deck having an a top deck upper surface and a top deck lower surface spaced apart from each other and oriented substantially parallel to each other, the top deck further including a first plurality of rib members extending between the top deck upper and lower surfaces;

a bottom deck having a bottom deck upper surface and a bottom deck lower surface spaced apart from each other and including a second plurality of rib members extending between the bottom deck upper and lower surfaces;

at least one longitudinally extending reinforcement member disposed between the bottom deck upper and lower surfaces; and

at least one column member extending between the top deck lower surface and the bottom deck upper surface and attached therebetween.

27. (Currently Amended) The reinforced pallet of claim 26, wherein the top deck lower surface includes at least one first column portion projecting downwardly therefrom, and wherein the bottom deck upper bottom surface includes at least one second column portion extending upwardly therefrom and mating with the first column portion to define the at least one column member.

28. (Currently Amended) The reinforced pallet of claim 26 wherein the top deck includes a top member having a first surface corresponding to the top deck upper surface and a first opposed surface defined by rib members, the top deck further including a mid-top member having a second surface corresponding to the top deck lower surface and a second opposed surface defined by rib members member, such that first opposed surface and the second opposed surface are attached to define the first plurality of rib members extending therebetween.

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29. (Original) The reinforced pallet of claim 26 wherein the bottom deck includes a bottom member having a first surface corresponding to the bottom deck lower surface and a first opposed surface defined by rib members, and a mid-bottom member having a second surface corresponding to the bottom deck upper surface and a second opposed surface defined by rib members, such that the first and second opposed surfaces are attached to define the second plurality of rib members extending therebetween, and wherein the at least one reinforcement member is disposed between the bottom member and the mid-bottom member.

30. (Original) The reinforced pallet of claim 26 wherein the bottom deck includes a peripheral rail and at least one bottom deck cross rail extending therebetween.

31. (Currently Amended) The reinforced pallet of claim 30 wherein the at least one reinforcement member is disposed within the at least one bottom deck cross rail cross-rail.

32. (Original) The reinforced pallet of claim 30 wherein the at least one reinforcement member is disposed within the peripheral rail of the bottom deck.

33. (Original) The reinforced pallet of claim 26, wherein the top deck includes a second reinforcement member disposed therein and extending substantially across a central axis thereof.

34. (Original) The reinforced pallet of claim 26, wherein the top deck includes a second reinforcement member disposed therein and oriented generally perpendicular to the at least one reinforcement member.

35. (Original) The reinforced pallet of claim 26, wherein the bottom deck includes a channel within which the at least one reinforcement member is disposed.

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36. (Original) The reinforced pallet of claim 26, wherein the at least one reinforcement member has an I-shaped cross section.

37. (Currently Amended) The reinforced pallet assembly of claim 26, wherein the bottom deck upper bottom surface includes a plurality of second column portions extending upwardly therefrom and mating with the a plurality of first column portions extending downwardly from the top deck lower surface to define a plurality of columns between the second and third members.

38. (Currently Amended) The pallet assembly of claim 26 further comprising a pair of reinforcement members extending around a periphery of the first pallet top deck, wherein the pair of reinforcement members are oriented substantially parallel to each other.

39. (Currently Amended) A reinforced pallet assembly, comprising:
a first member having a first lower surface defined by a plurality of downstanding cross-rib members;
a second member having a second lower surface and also including a second upper surface defined by a plurality of upstanding cross-rib members corresponding to the downstanding cross-rib members of the first member and mounted therewith;

a third member spaced apart from the second member, the third member having a third upper surface and a generally planar third lower surface defined by a plurality of downstanding cross-rib members, the third upper surface and the second lower surface having corresponding flanged surfaces securely mounted to each other to form a plurality of columns;

a fourth member having a fourth upper surface defined by a plurality of upstanding cross-rib members corresponding to the downstanding cross-rib members of the third member and mounted therewith; and

a reinforcement member disposed between the third member and fourth member for providing strength thereto; and

at least one column extending between the second and third members.

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40. (Currently Amended) A reinforced pallet comprising:

a first deck portion having an a first upper surface and a first lower surface defined by a first plurality of rib members disposed therein; and

a second deck portion having a second lower surface and a second upper surface defined by a second plurality of rib members disposed therein, the second plurality of rib members mating with corresponding first plurality of rib members to form a pallet deck, the second deck portion including a plurality of support members defining the second lower surface; and

at least one elongate reinforcement member disposed between the first and second deck portions.

41. (Currently Amended) A pallet assembly comprising:

a first pallet member having a first surface defined by a first plurality of cross-rib members;

a second pallet member having a second surface defined by a second plurality of cross-rib members which are mounted to the first plurality of cross-members to define a first pallet deck;

a third pallet member mounted to the second pallet portion member by a plurality of column portions extending therebetween, the third pallet member having a third surface defined by a third plurality of cross-rib members;

a fourth pallet member having a fourth surface defined by a fourth plurality of cross-rib member members which are mounted to the third plurality of cross-rib member members; and

at least one elongate reinforcement member disposed between the third and fourth pallet members within a corresponding channel formed in at least one of the the third and fourth surfaces for providing stiffness thereto.

42. (Original) The pallet assembly of claim 41 further comprising an other elongate reinforcement member disposed between the first and second pallet members.

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43. (NEW) A reinforced pallet assembly comprising:

a first deck having an upper surface;
a second deck having a lower surface;
a plurality of columns between the first deck and the second deck;
a first cross-bar reinforcement member and a first pair of peripheral reinforcement members between the upper surface of the first deck and the plurality of columns, the first pair of peripheral reinforcement members at opposite axial ends of the first cross-bar reinforcement member; and

a second cross-bar reinforcement member and a second pair of peripheral reinforcement members between the lower surface of the second deck and the plurality of columns, the second pair of peripheral reinforcement members at opposite axial ends of the second cross-bar reinforcement member.

44. (NEW) The reinforced pallet of claim 43 wherein the first cross-bar reinforcement member is perpendicular to the second cross-bar reinforcement member.

45. (NEW) The reinforced pallet of claim 44 further including a third pair of peripheral reinforcement members generally perpendicular to the second pair of peripheral reinforcement members.

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46. (NEW) The reinforced pallet of claim 45 wherein opposite axial ends of the third pair of peripheral reinforcement members are adjacent opposite axial ends of the second pair of peripheral reinforcement members.
 47. (NEW) The reinforced pallet of claim 43 wherein the columns include cross-ribs generally perpendicular to a plane defined by the upper surface of the first deck.
 48. (NEW) The reinforced pallet of claim 47 wherein the first cross-bar reinforcement member abuts upper edges of the cross-ribs of at least one of the columns.
 49. (NEW) The reinforced pallet of claim 48 wherein the first pair of peripheral reinforcement members abut upper edges of the cross-ribs of the columns and wherein the second pair of peripheral reinforcement members abut lower edges of the cross-ribs of the columns.
 50. (NEW) The reinforced pallet of claim 43 wherein the first cross-bar reinforcement member is generally along a first central axis of the first deck and wherein the second cross-bar reinforcement member is generally along a second central axis of the second deck, the first cross-bar reinforcement member perpendicular to the second cross-bar reinforcement member, and wherein the pallet does not include a reinforcement member between the upper surface of the first deck and the columns generally along a second central axis of the first deck generally perpendicular to the first central axis of the first deck, and wherein the pallet does not include a reinforcement member between the lower surface of the second deck and the columns generally along a first central axis of the second deck generally perpendicular to the second central axis of the second deck

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51. (NEW) The reinforced pallet of claim 43 wherein the first deck and the second deck are plastic and the reinforcement members are metal.

Amendments to the Drawings

The attached marked-up sheets of drawings show changes to Figures 6, 7, 17, 18, 28, 29 and 40.

In the drawings:

Certain reference numerals are switched between Figs. 6 and 7.

Certain reference numerals are switched between Figs. 17 and 18.

Certain reference numerals are switched between Figs. 28 and 29.

Certain reference numerals are corrected in Fig. 40.

REMARKS

Applicant has corrected a few obvious errors in the drawings, specification, and claims. No new matter has been added.

Applicant has added claims to the embodiment chosen in the Election filed July 28, 2003. Please charge \$246 to Deposit Account No. 50-1984 for one additional independent claim in excess of three and nine additional claims total in excess of twenty. If any additional fees or extensions are due, please charge all fees to Deposit Account No. 50-1984.

Respectfully submitted,

By:



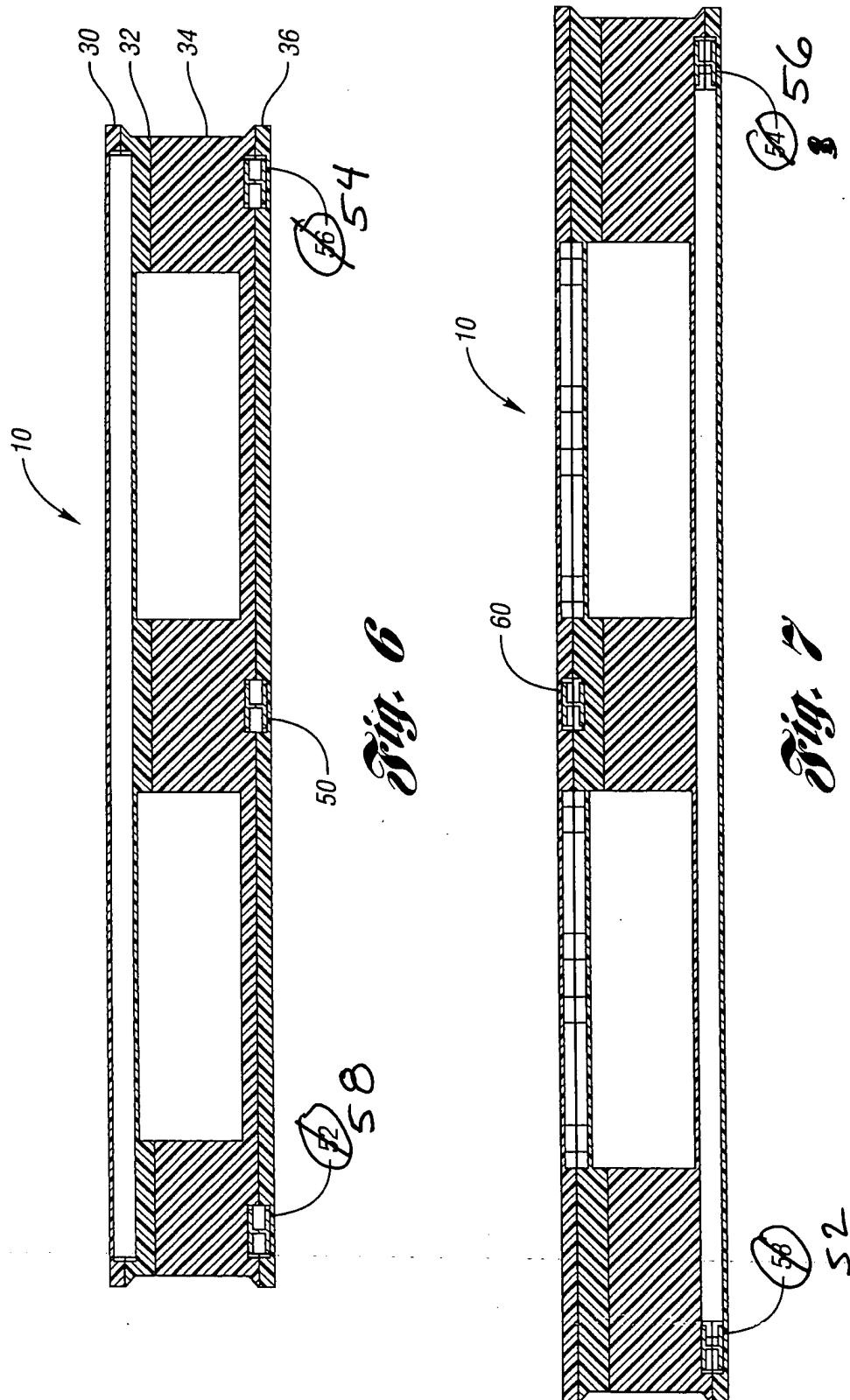
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Dated: August 7, 2003



Title: Reinforced Pallet
First Named Inventor: William P. Apps
Application Serial Number: 10/040,099; Attorney Docket Number: RPC 0527 PUS

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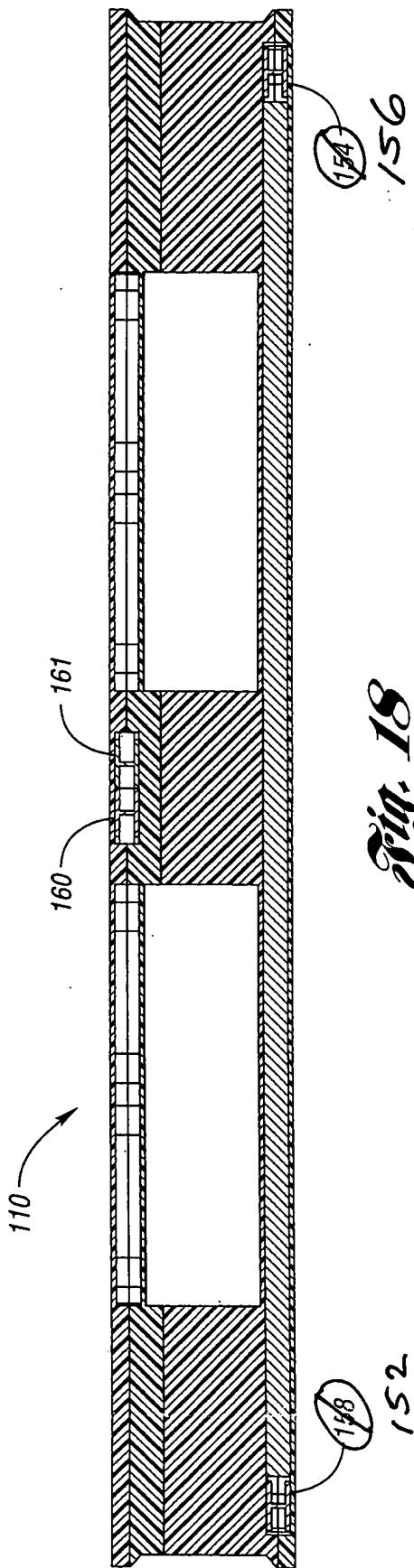
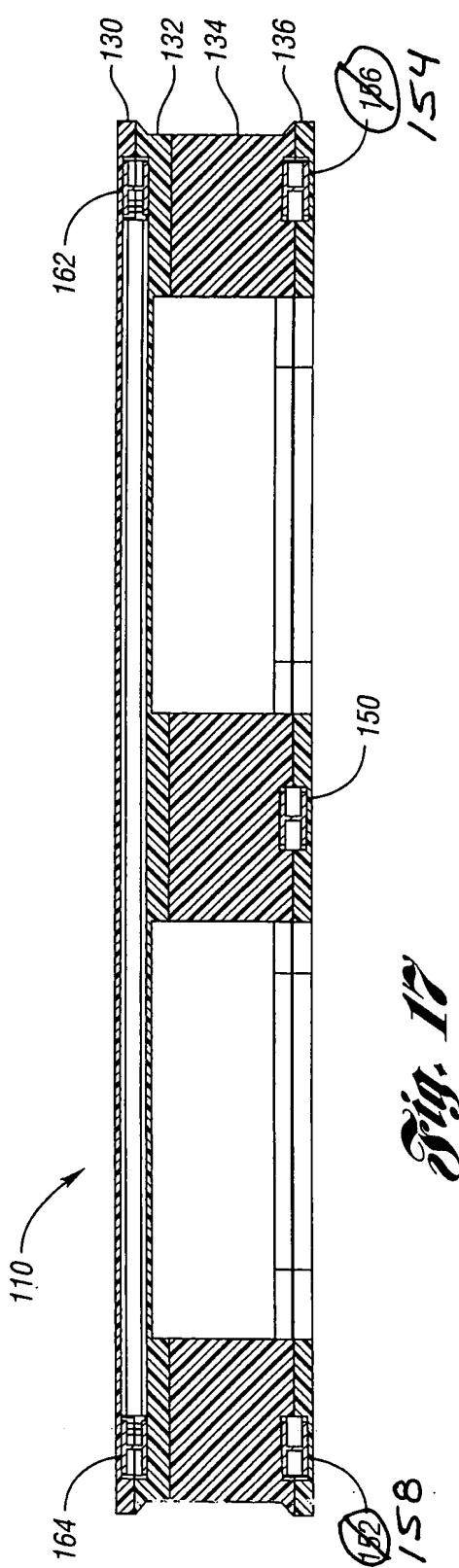


Attachment to 8/7/03
Amendment pg. 18



Title: Reinforced Pallet
First Named Inventor: William P. Apps
Application Serial Number: 10/040,099; Attorney Docket Number: RPC 0527 PUS

11/34



Attachment to 8/7/03
Amendment Pg. 19



Title: Reinforced Pallet
 First Named Inventor: William P. Apps
 Application Serial Number: 10/040,099; Attorney Docket Number: RPC 0527 PUS

18/34

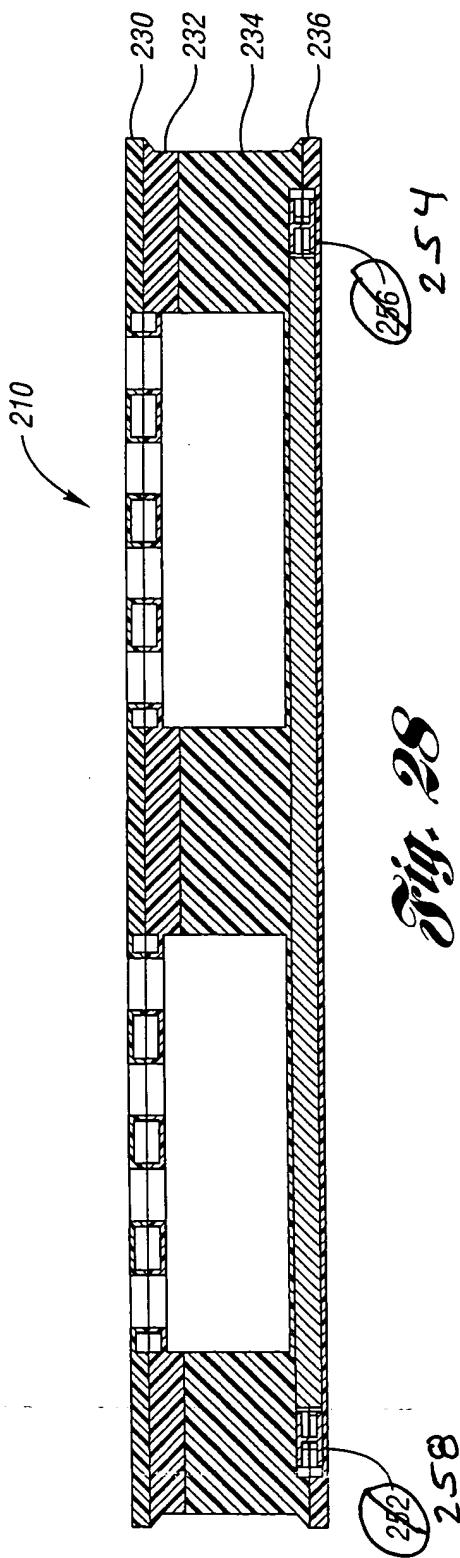


Fig. 28

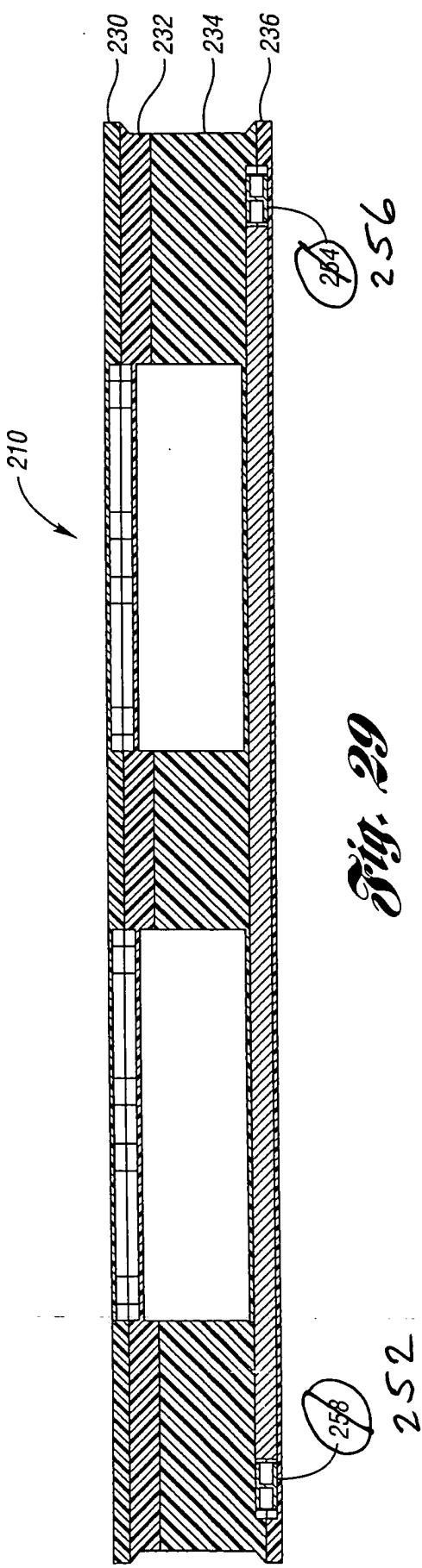


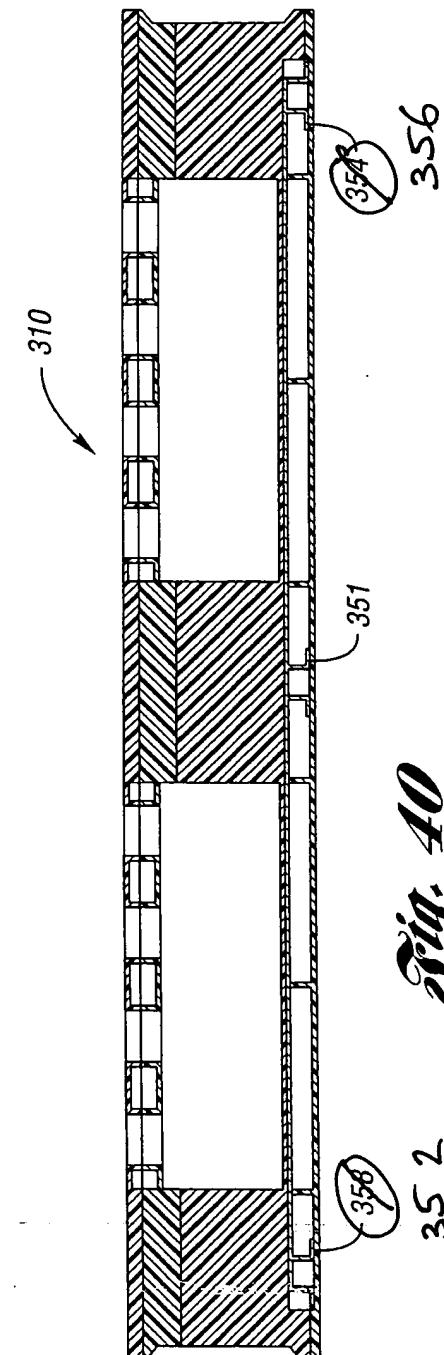
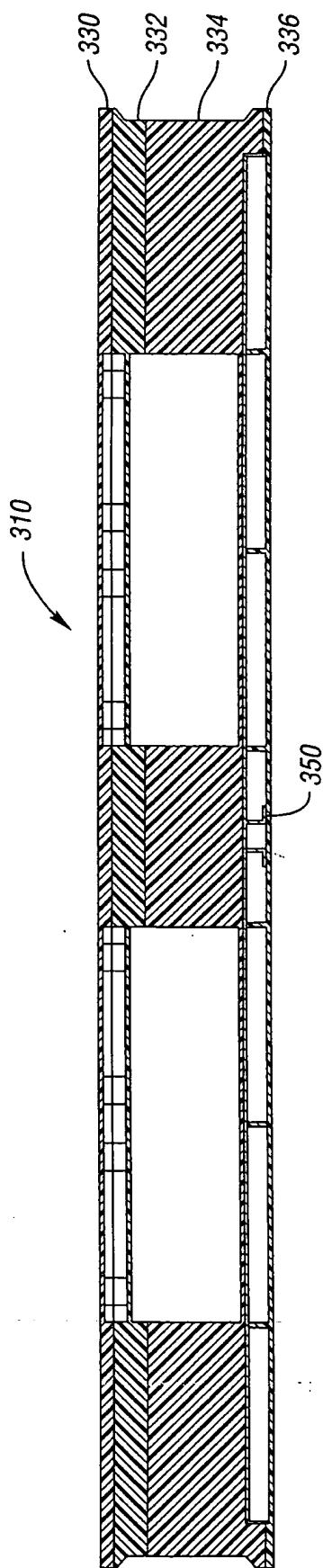
Fig. 29

Attachment to 8/17/03
 Amendment Pg. 20



Title: Reinforced Pallet
First Named Inventor: William P. Apps
Application Serial Number: 10/040,099; Attorney Docket Number: RPC 0527 PUS

25/34



Attachment to 8/7/03
Amendment Pg. 21